

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 17A.3 and 321.4, the Department of Public Safety hereby gives Notice of Intended Action to adopt new Chapter 88, “Notification of Law Enforcement Agency by Hospital Prior to Discharge of a Person with Serious Mental Impairment,” Iowa Administrative Code.

2010 Iowa Acts, Senate File 2352, relating to the emergency hospitalization of a person with a serious mental impairment, was enacted by the Iowa General Assembly during its regular session this year. The bill requires the Department of Public Safety to prescribe the use of a form by peace officers to request notification from a hospital prior to the discharge of a person who has been detained because of a serious mental impairment and brought to the hospital by that officer or another officer, if an arrest warrant has been issued or charges are pending for the person. The rule proposed herein provides for the use of a specified form to make such requests. Although the form is published by and being prescribed by the Department of Public Safety, input was sought from major stakeholders in the process, particularly local law enforcement agencies and hospitals.

Any person may comment on the proposed amendment by fax to (515)725-6195, E-mail to admrule@dps.state.ia.us, or mail to Agency Rules Administrator, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. Comments must be received no later than 4:30 p.m. on September 7, 2010.

A public hearing will be held to accept comments on the proposed amendment at 9:30 a.m. on September 7, 2010, in the First Floor Public Conference Room (Room 125), State Public Safety Headquarters Building, 215 East 7th Street, Des Moines. Any person who wishes to speak at the hearing should notify the Agency Rules Administrator at least one day prior to the hearing by telephone at (515)725-6185 or E-mail to admrule@dps.state.ia.us.

This amendment was also Adopted and Filed Emergency and is published herein as **ARC 8942B**. The content of that submission is incorporated by reference.

Rules of the Department of Public Safety are generally subject to the waiver provisions of rule 661—10.222(17A).

This amendment is intended to implement 2009 Iowa Code Supplement section 229.22 as amended by 2010 Iowa Acts, Senate File 2352.